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7 Attorney for Defendants
AMAZON.COM SERVICES LLC;
8 AMAZON.COM, INC.

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 BAYLEY RENOVICH,
13 Plaintiff,

14 v.

15 AMAZON.COM SERVICES LLC;
16 AMAZON.COM, INC.; DOES I-X; and ROE
17 CORPORATIONS, LLCs, COMPANIES,
AND/OR PARTNERSHIPS XI-XX, inclusive,
18 Defendant.

Case No. 2:22-cv-01664-RFB-EJY

**STIPULATION AND ~~PROPOSED~~
ORDER TO STAY DISCOVERY
PENDING THE COURT'S RULING ON
DEFENDANTS' MOTION TO DISMISS**

19 Plaintiff Bayley Renovich ("Plaintiff") and Defendants Amazon.com Services LLC
20 ("Amazon") and Amazon.com, Inc. (collectively "Defendants"), by and through their counsel of
21 record, stipulate to stay discovery pending the Court's ruling on Defendants' Motion to Dismiss (the
22 "Motion"), [ECF No. 7], which seeks dismissal of all claims in Plaintiff's Complaint.

23 Plaintiff filed her Complaint in Nevada state court on August 12, 2022 alleging five separate
24 causes of action and Defendants removed it to federal court on October 3, 2022. [ECF No. 1].
25 Defendants moved to dismiss all five Counts in the Complaint on October 6, 2022. [ECF No. 7].
26 Plaintiff has already served 32 requests for production upon each Defendant. Because Plaintiff's
27 discovery requests are, and any future requests would be, necessarily related to claims which are
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1 subject to dismissal, the parties request the Court issue an order staying discovery until resolution of
2 the Motion.

3 A district court has broad powers of case management, including the power to limit discovery
4 to relevant subject matters and to adjust discovery as appropriate to each phase of litigation. *See* Fed.
5 R. Civ. P. 16(b), (c); 26(b). When a particular issue may be dispositive, the court may stay discovery
6 concerning other issues until the critical issue is resolved. *See Jarvis v. Regan*, 833 F.2d 149, 155 (9th
7 Cir. 1987); *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988); *Ministerio Roca Solida v. U.S.*
8 *Dep't of Fish & Wildlife*, 288 F.R.D. 500, 503 (D. Nev. 2013); *see also* Fed. R. Civ. P. 26(c)(1) (court
9 may, for good cause, issue an order to protect a party or person from annoyance, embarrassment,
10 oppression, or undue burden or expense, including forbidding disclosure or discovery).

11 When deciding whether to stay discovery while a dispositive motion is pending, courts
12 consider: (1) whether the motion is “potentially dispositive of the entire case or at least dispositive of
13 the issue on which discovery is sought,” and (2) “whether the pending potentially dispositive motion
14 can be decided without additional discovery.” *Ministerio Roca Solida v. U.S. Dep't of Fish & Wildlife*,
15 288 F.R.D. 500, 506 (D. Nev. 2013); *see also, e.g., Klaizner, v. Ditech Financial LLC*, Case No. 2:16-
16 cv-00414-GMN-CWH, 2016 WL 3176579 (D. Nev. June 2, 2016). In applying this two-pronged test,
17 courts take a “preliminary peek” at the merits of the pending dispositive motion to assess whether a
18 stay is warranted. *Tradebay, LLC, v. Ebay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011).

19 The pending Motion seeks dismissal of all five Counts of the Complaint. Without a stay, the
20 parties will be required to perform and be subject to discovery on claims that may not survive dismissal
21 and may not survive an attempt at amendment. Discovery should also be stayed because the Motion
22 can be decided without additional discovery. *Ministerio Roca Solida v. U.S. Dep't of Fish & Wildlife*,
23 288 F.R.D. 500, 506 (D. Nev. 2013). The Complaint does not raise factual issues that require discovery
24 for their resolution. *Jarvis v. Regan*, 833 F.2d 149, 155 (9th Cir.1987).

25 Additionally, because Defendants have moved to fully dismiss the case, Plaintiff has not been
26 apprised of which factual allegations Defendants intend to admit, and which they intend to deny. Nor
27 has Plaintiff been apprised of the defenses Defendants intend to assert. Accordingly, Plaintiff is unable
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1 to hone her discovery, likely leading to the parties' waste of resources.

2 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants as
3 follows:

4 1. Discovery in the instant action shall be stayed pending decision on Defendants' Motion to
5 Dismiss [ECF No. 7]; and

6 2. Should the Court's order resolving the Motion not result in full dismissal of all of Plaintiff's
7 claims, then: (i) the stay of discovery shall be lifted; (ii) the parties shall conduct a Rule 26(f)
8 conference within fourteen (14) days after lifting of the stay; and (iii) the parties shall file a proposed
9 Discovery Plan and Scheduling Order within twenty-one (21) calendar days after the lifting of the
10 stay.

11 Dated: October 21, 2022

Dated: October 21, 2022

12 Respectfully submitted,

Respectfully submitted,

13
14 /s/ Christian Gabroy

/s/ Emil S. Kim

15 CHRISTIAN GABROY, ESQ.
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17 Attorneys for Plaintiff

Attorneys for Defendants
AMAZON.COM SERVICES LLC
AMAZON.COM, INC.

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20 **IT IS SO ORDERED.**

21 Dated: October 24, 2022.

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24 UNITED STATES MAGISTRATE JUDGE